

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cr-00235-TWP-TAB
)	
TIMOTHY TUCKER, JR.,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

The Parties appeared on April 25, 2023, before United States Magistrate Judge Kellie M. Barr for a hearing on the Petition for Warrant or Summons for Offender under Supervised Release filed on April 11, 2023. Defendant Timothy Tucker, Jr. appeared in person and by counsel Gwendolyn Beitz of the Federal Community Defenders. Government represented by Assistant United States Attorney Barry Glickman. United States Probation Office represented by Angela Smith.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Tucker of his rights and provided him with a copy of the petition. Mr. Tucker orally waived his right to a preliminary hearing.

2. After being placed under oath, Mr. Tucker admitted violation number 1. [Dkt. 63.]
The Court **GRANTED** the Government's oral motion to dismiss violation 2.

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

Violation Number	Nature of Noncompliance
1.	"You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid

	<p>prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage."</p> <p>On January 5, January 11, January 26, February 9, and March 23, 2023, Mr. Tucker submitted urine specimens which tested positive for the use of marijuana.</p>
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4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 5 to 11 months imprisonment.

5. The parties jointly recommended a sentence of 11 months imprisonment with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the condition in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 11 months of incarceration with no supervised release to follow.


Mr. Tucker is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties orally waived the fourteen-day period to object to the Report and Recommendation.

IT IS SO RECOMMENDED.

Date: 4/26/2023


Kellie M. Barr
United States Magistrate Judge
Southern District of Indiana

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